

**MINUTES OF REGULAR MEETING
OF
GREENSBORO PLANNING BOARD**

FEBRUARY 18, 2004

The Greensboro Planning Board met in Regular Session on Wednesday, February 18, 2004 at 2:00 p.m., in the City Council Chambers, 2nd floor, Melvin Municipal Office Building, Greensboro, North Carolina. Board Members present were Chair Patrick Downs, J.P. McIntyre, John Rhodes, Tim Bryson, Alan Pike, Stephen Marks and Mike Fox. Staff members present were Alec MacIntosh, Bill Ruska, Heidi Galanti and Haywood Cloud, of the Planning Department; Craig McKinney, of the Greensboro Department of Transportation; and Linda Miles, Esq., City Attorney.

Chairman Downs called the meeting of the Planning Board to order.

APPROVAL OF MINUTES OF THE JANUARY 21, 2004 REGULAR MEETING.

Mr. Pike moved approval of the January 21, 2004 regular meeting minutes as written, seconded by Mr. McIntyre. The Board voted 7-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Bryson, Pike, Marks, Fox. Nays: None.)

PUBLIC HEARINGS:

A. RESOLUTION TERMINATING STREET ACCESS ACROSS THE RAILROAD TRACK AT LOWDERMILK STREET. (TABLED)

Craig McKinney, Transportation Planner for the City, said he was here to lead off a presentation on the proposed closing off of access at Lowdermilk Street across the rail line that leads east out of Greensboro, known as the "H" Line. In closing the access, the street right-of-way remains but the pavement is removed and/or barricades are erected. On June 8, 2001 the City entered into an agreement with the NC Department of Transportation (NCDOT) to assist them in a study analyzing various rail crossings within Greensboro, essentially from the Depot eastward to Ward Road. Then as our responsibilities with the Greensboro Urban Metropolitan Planning Organization, they were also involved in discussions and analyses of crossings further east out to the fringe of Gibsonville. In the process there were three public meetings held in regard to the stated recommendations as they were being formed and after they were developed. The initial meeting was held at the Armory on Franklin Boulevard on July 23, 2003. They then held meetings in August and November within the neighborhood, which is essentially bounded by Franklin Boulevard, East Market Street over to Pine and then south with the tracks. The purposes of those meetings were to talk with residents and property owners about what the recommendation entailed and to receive feedback from them on their impressions of those recommendations. The study recommendations are broken into three time frames: near-term (within 2 years), mid-term (2-5 years) and long term (5-10 years). Near-term projects require low expenditure and not a lot of intense study or analysis. Mid-term projects will involve a grade separation at Franklin Boulevard. Long-term improvements will be looking at what is needed to maintain the interior transportation system in the area from Dudley Street out to English Street. Associated with the termination of access at Lowdermilk Street will likely be the installation of a traffic signal at Pine Street and East Market Street, to mitigate traffic that will shift from Lowdermilk over to Pine Street.

He said that with him were Michael Shumsky with the NC Rail Division and Don Bryson with the consulting firm of Martin, Alexiou and Bryson, (MAB), who would go into the details of the study.

Michael Shumsky said he was a member of the NCDOT Rail Division's Engineering and Safety Branch. As Mr. McKinney has stated, this action is one of several stemming from the Traffic Separation Study. The Study identified existing safety concerns, given current conditions. Also, because this is on a designated high-speed rail corridor, as plans for high-speed rail progress, there will be need for further safety evaluations. They looked at the 9 rail crossing from Dudley Street to Maxfield Road, and also evaluated 14 other crossings eastward to Gibsonville. Thus, what you have before you today is one step in many as we progress with the near-term, mid-term and eventually long-term recommendations. The NCDOT at this time has funds to proceed with the near-term recommendations. A majority of those recommendations deal with the improvements at Pine Street to mitigate the crossing closure at Lowdermilk Street. He said he was present as a resource for any questions that may come up, and Don Bryson with MAB was present also to address any additional technical questions the Board may have.

In response to a question from Chair Downs, Mr. McKinney said the two neighborhood meetings addressed specifically the closing of Lowdermilk Street and what will be happening east and west, like the future grade separation at Franklin Boulevard and what treatments may occur at English Street.

Mr. Pike said it sounded to him like the primary concern here was safety. He was assuming that was the safety of rail passengers, as well as drivers, or how do we divide that up?

Mr. McKinney said it was safety of the public as a whole. The rail system has been improved to a point where freight trains can travel at speeds up to 59 mph for freight and 79 mph for passengers. The purpose of the project is to reduce the number of locations where we have at-grade crossings and with a possible ultimate goal of grade separating a number of those crossings in the future.

In response to a question from Mr. Marks, Mr. McKinney said currently Lowdermilk Street has a GTA route running down it. The closing would require GTA to adjust their route, bringing it in at Pine.

Mr. Rhodes said he was very familiar with this section of Northeast Greensboro. His concern was for the people living east of Lowdermilk Street who use Lowdermilk Street as an access to East Market Street. Where will they go if Lowdermilk Street is closed at the railroad crossing? There are some houses that are farther north of Cameron; would these persons have to come all the way back to Greensboro Street and then travel to Pine Street, then north on Pine to get to East Market Street?

Mr. McKinney said Mr. Rhodes had described it pretty accurately. Those persons would have to adjust their routes and either go west towards Pine Street or east towards Franklin Boulevard to get back out to East Market Street.

Mr. Rhodes said this seemed like an inconvenience to him, but he understood the safety aspects of railroad crossings. He saw it as being an inconvenience imposed on these residents for the sake of having the trains go faster.

Mr. McKinney said that was a concern expressed in the meetings, but Mr. Shumsky could address what the rail system planners have to consider when looking at the system of streets and how they interact with the rail line.

Mr. Shumsky said this study is analogous to what they did in the western part of the city near Patterson Street and involving impending subsequent closures of Boston Road and Rail Street at-grade crossings. When they propose a crossing closure, they evaluate on seven criteria. One is prior accident history, and there is one with a train/vehicle crash at Lowdermilk. They look at adjacent street networks. They look at the geometry of the road. Obviously it is not realistic to remove all at-grade crossings, so they go from the

ultimate solution, which would be to have no crossing, to the next best solution, which would be to provide a bridge either going over or underneath such as is proposed at Franklin Boulevard, or if that is not feasible due to the area it may be in, at additional protection devices. So it is an incremental approach.

In terms of the public involvement and their concerns, Mr. Bryson in his final report will go ahead and address those issues as an appendix part of that report. But again, the purpose of the study is safety for motorists, rail passengers and train crews. A benefit looked at was that of a turn signal to allow residents in that area to proceed west on East Market Street, whereas now they basically have to wait. Other engineering considerations were taken into account. You typically do not want signalized intersections within 1,000 feet of one another and so forth. Implementation of these studies is going to be provided for with Federal funds. With Federal funds, there needs to be a cost-benefit analysis.

Mr. Rhodes said he spoke with one person who lives on a dead-end street and whose access out of her street had been Lowdermilk. With this closing, she will be trapped in her street with no access to a main road. She had told him she received no notice of a public meeting. That bothered him and right now he was a little uneasy with the closing of the Lowdermilk crossing. He was worried about people being trapped in a community and thought it was a very dangerous precedent to set.

Mr. Shumsky said the improvements would be paid by Federal funds, following a cost-benefit analysis. One of those benefits is closing crossings, among other things. Where do we go from here? This is one of several steps in the overall implementation process. Down the road, there will be an agreement entered into by the NCDOT and the City of Greensboro for the implementation of the recommendations, one of those recommendations being closing Lowdermilk permanently and making the improvements on East Market and Pine. In that agreement it will be stated that the funds will be provided for by the NCDOT through a Federal funding source. Federal funds are available at this time, but in order to authorize those Federal funds, there are certain procedures that they have to follow, one of which is entering into an agreement with the municipality. The funding is not the issue; it is a matter of obtaining the authorization and moving ahead for the implementation.

Mr. Shumsky said as part of that municipal agreement, it would be stated that the crossing would remain open until such time as those improvements at Pine Street are made. So those improvements will be made in advance of that crossing closure.

In response to a question from Mr. Bryson, Mr. Shumsky said as part of the data gathering process they also look at emergency response, which is a very critical issue for any municipality. Before there is ever a recommendation made, they talk with emergency response personnel to ensure that you are not going to adversely affect or detrimentally affect the response. The other thing they look at is average daily traffic counts. He said he could say that estimated 2002 average daily traffic at Lowdermilk was 3,200. They had about 1,200 at Pine Street.

Mr. Bryson said it sounded to him like with the Federal funding, there is a limited amount of that money available and there are certain numbers of these intersections that need to be improved. If you don't close a certain number, then there is probably not enough money to do the improvements that you want to do. He asked if he was correct in that assumption?

Mr. Shumsky said that was probably more the case for your longer-term bridge projects, which are multimillion-dollar projects.

Mr. Shumsky was then asked what would happen if they don't close it? Are there improvements that will be required at this crossing because it is at grade and it is a risky site or riskier site in the future?

Mr. Shumsky said in that event most likely they will not do anything further and they could not spend the money that it would take to install the traffic signal on East Market. So it would remain the same.

Mr. Marks said if Lowdermilk has almost three times the traffic count as Pine Street, why would Lowdermilk not be the better option to keep open and close Pine? What are your statistics as far as accidents according to those numbers?

Mr. Don Bryson said both volumes are fairly low, well under the capacity of either of those roads. If we close one or the other and move the traffic over, there is still plenty of capacity in either case. Lowdermilk is a narrower ribbon pavement and does not have shoulders. Pine has sections with curb and gutter. On Lowdermilk the distance between Market Street and the railroad tracks is much shorter. There is not much they can do to make Lowdermilk any better. Pine they can make better, and it also has better spacing relative to other signals; it is right about in the middle. Railroad crossing accidents are rare enough occurrences that it is hard to predict when one would happen. They just look at what are the features that make a safe crossing versus a less safe crossing, and that is in terms of safety for the driver and passengers in cars, pedestrians, train crews and riders, or even if a freight train were to come through here and derail, what that would cause in terms of fire, possible hazardous materials, etc. There have been no accidents at these crossings recently. They have other crossings they looked at towards Gibsonville and other places with much lower volumes that have had several accidents. It might just be a statistical fluke; it might be something really bad about certain locations. But they do feel that if they are doing something, they can do it much more safely at Pine. The other issue is the traffic signal itself. As long as both streets are open, it doesn't look like it would ever be warranted by the volume at either. So the only way to warrant a traffic signal which has benefits in terms of a safer left turns in and out and not having to wait and keeping buses on schedule, is to close one of the crossings. Without that, there is no justification for a traffic signal. It is kind of the trade-off for the recognized inconvenience. It is an inconvenience, but we are talking at worst case the matter of an extra couple thousand feet to drive. So that is kind of a trade-off. It's hard to say what that is worth.

Mr. Don Bryson said they also looked at the buses. There is one GTA bus that takes Pine Street and another one that takes Lowdermilk. It is a little better for the buses on Pine, GTA noted.

Mr. Rhodes said he wanted to revert back to his original statement. He asked if at the public meetings, did they have a sign-in sheet for people to come in? He asked if the number of people from the community who were involved in the hearings was available?

Mr. Don Bryson said he had a list of the people who attended and some other people who filled out forms afterwards. As to the number of people attending the public meetings, he didn't have that information with him, but did have it in his files. He said he could provide that.

Mr. Don Bryson said after the public meeting at the Armory, they felt they had not heard anything from the community so they were afraid they had not really gotten their input. They went through the City and the Council representative for that District, who was also at that meeting, and they contacted people through churches. A newsletter was also sent out.

Chair Downs asked if this project was subject to NEPA and if so, was an EA or a DNS issued?

Mr. Shumsky said he didn't think in the past that this qualified to that extent, just the closure of a street.

Chair Downs said actually his question was not the closure of the street, but the expenditure of Federal funds for a variety of public projects that have these sort of impacts on an accumulative stage or setting.

Mr. Shumsky said yes, there was environmental documentation required. Typically for crossing closure it is what they call a PCE or a programmatic categorical exclusion. It is basically a checklist that looks for historic structures, natural resources and so forth. On your more long-term projects, especially where there are going to be relocations involved, you are looking at environment assessment followed up with a finding of no significant impact. So before you even get to construction authorization, they get

authorization for preliminary engineering. Again when you first begin some of your longer-term projects, you don't know where the centerline of that bridge is going to be, you don't know what the impacts are to the adjacent property owners. For example, Franklin Boulevard; there will have to be an extensive environmental document done, as you will have to most likely go underneath or you even possibly over the rail tracks. So there will be an opportunity for further public comment as part of that process as they progress in preliminary engineering.

Chair Downs asked if this was proper segmenting or improper segmenting to issue a CE for this closing on a short-term project and yet on a long term require an EA or a DNS, as the case may be? The reason he asked that was because they had talked about alternative analyses here with respect to these two streets and it seemed to him that one of the benefits of that procedure is to look at the entire segment and look at alternative analyses between all this stuff.

Mr. Shumsky said he was not an environmental engineer, but in the past, if this crossing closure were tied to a grade separation, that would be included as part of that public involvement and as part of the environmental documentation. As Lowdermilk is really tied to improvements of Pine Street, they have not encountered any such segmenting as you mention. But again, this is something that that they have done statewide and a PCE has sufficed.

Chair Downs asked if staff had done an analysis of the statutory criteria and how this project complies with those closing criteria? He had not heard that analysis presented. Typically on street closings, there is some explanation of those criteria with respect to the closing and he believed the Board had to make findings with respect to those closing criteria.

Mr. McKinney said in this action, it is not an actual street closing; it was the termination of a crossing of railroad tracks. His experience with this aspect has been with the project that is now under construction in the southwestern portion of Greensboro involving the Project 96 extension of Norwalk Street. That project is going to close three crossings involving Boston Road and Rail and Rucker Streets. That process was similar to what they are going through right now. It was the termination of those crossings, not closing of the street.

Chair Downs said he was confused. What did it mean to "terminate a crossing" and what does that mean physically?

Mr. McKinney said what they have here is not abandoning any street right-of-way. Due to the fact that there are a number of driveways off of Lowdermilk Street in close proximity to the rail crossing, they determined that in order not to disrupt the properties that currently have those driveways, the process they would go through would be just termination of the crossing of the railroad tracks. They are not abandoning any street right-of-way; they will still maintain what pavement is left on Lowdermilk Street. What will be removed will be the pavement in the crossing area and then there will be landscaping and a barricade on the East Market Street side.

Chair Downs said the practical effect on the ground was that cars could no longer use this portion of the road; so the right-of-way is not terminated, it is not reverting to the underlying owners, but access is being precluded. Is that correct? If he understood it properly, they would tear up the crossing, barricade it, landscape it or do whatever you do so cars can no longer cross. The right-of-way does not alter. Then the question for staff, are there evaluative criteria by which they analyze this request, either statutory, State rule or otherwise, or are we simply looking at a public health, safety and welfare issue on the basis on which they render their analysis and recommendation?

Mr. Morgan said he would say it was a public safety issue.

Chair Downs said the Board would turn to the public portion of this hearing.

Wayne Patrick said he was president and owner of Roof-Ply, Inc., an industrial and commercial roofing contractor located at 200 Lowdermilk Street. Their place of business has been there for over 8 years. He said he came to the Board today to ask three basic questions. Where is the logic in termination of street access to Lowdermilk? Is this proposed endeavor practical? Is this good, sound and well-thought-out engineering? The logical is to find as a science of correct reasoning. Practical is defined as meaning useful and effective. Engineering is defined as practical planning to promote and enhance the means possible. There are five major businesses located within 100 yards just south of the Lowdermilk railroad crossing, and representatives were present. These businesses are Custom Enterprises, Steve Butler's facility, Triad Sheet Metal Craft, Triad Mechanical and Roof-Ply, Inc. Every one of them uses the Lowdermilk Street entrance off of East Market Street to come and go to their work place. It is the most logical, practical and efficient way to get to their work place. They also use the Lowdermilk/East Market intersection for their employees, their service trucks, their dump trucks and their crane trucks. Roof-Ply alone is responsible for approximately 40 to 50 various vehicles using Lowdermilk Street on a daily basis. It is also their most expedient way to access their job sites, whether it be to get on East Market to out Burlington Road and get on I-40 or I-85 or whether it be to go west on East Market and get on 29 to the various places. They do work in High Point and Reidsville, etc. They also have tractor-trailer deliveries several times a week. Some are the 40-footers and some are these stake bed bodies that may be 20 or 30 feet. He asked if they were asking them to reroute their traffic through a residential neighborhood? Lowdermilk Street presently serves as a feeder street not only to the residents who live on Lowdermilk, but also to the residents who live on many of the tributary streets. Mr. Rhodes is right. It is the center street of that community. It is also the trunk line that runs, just as Pine Street does, from East Market to Holts Chapel. Ask yourself this question: What does Pine Street offer - not much. There are only two businesses located on it, both within 100 yards of the crossing. Pine Street is simply a trunk line connection East Market to Holts Chapel. There are no tributary streets on the west side, only on the east side, which are mainly accessed by Lowdermilk. Pine Street's purpose presently is for the residents of Pine Street. Ask yourself: what is there to gain by closing Lowdermilk and accessing all traffic onto Pine Street - simply nothing. He said he was made privy to this change only on Monday of this week. He had received no invitation to any earlier meeting, thought none of these businesses were sent invitations. They can have these meetings and they can say they had them, but the results are just not there. Another question is had there been any engineering studies conducted? He heard there was. Never did he see a car counter, traffic studies, etc. He thought they would find that Lowdermilk is the feeder street for that community. He could only say that again and again. What is there to lose if the crossing on Lowdermilk is closed? It will devalue their property. He had already talked with a realtor who said that was true, mainly because of these other items he would bring up. Security - he was there on a Saturday or a Sunday and many times when the EMS comes, here comes the fire truck. That may be the law, but you see it every day. He hadn't seen an EMS or fire truck on Pine Street hardly to service that community, but yet the EMS and the fire trucks are there. Also police officers cruise Lowdermilk. He said the businesses had valuable trucks and the equipment in these trucks and they need that security. Closing the Lowdermilk crossing would also be a great inconvenience that would limit access to this neighborhood. In summary, he said he hoped that the Board would table forever the idea of closing off the access to Lowdermilk via East Market Street. If you want to put up a stoplight, put it on Lowdermilk. What's wrong with that? Move it 1,000 feet.

D.S. Butler, Steve Butler, said he had the building next door to Roof-Ply, which is the first building on your right on Lowdermilk Street when you cross the railroad tracks going south. He thought Mr. Patrick covered many points on which he had the same views. He was very much opposed to closing the Lowdermilk Street crossing for the same reasons. Another is that any time you have a commercial building at the end of a dead end street, you have a crime prospect. He has owned this building for the past 20 years and has had it rented, and for the last several years the ladies who worked in the office kept the doors locked. Now you put this building at the end of a dead end street, they would not even come to work for anybody to whom you rent that building. He thought it was a detriment to close the Lowdermilk crossing from a crime standpoint and from a tractor-trailer standpoint. If you close Lowdermilk Street, it means bringing tractor-trailers in on Pine Street down through to Greensboro Street, which is a residential area. That was not good and would be a safety problem. He thought that the Board should vote not to close the street, no matter what the studies are. Now, if they have to close one crossing, close Pine Street because that is a

residential area. Let Lowdermilk Street be a feeder street.

David Deaton said he was with Custom Enterprises, located just to the left as you cross the railroad tracks. Closing that crossing would affect him very heavily because if he wanted to sell, he thought he would lose a lot of money that he worked 15 years to get. To him, it was just a no-brainer. He thought the traffic light should go on Lowdermilk Street. There are 5 lanes of traffic on Market, so there is no problem with people turning in and out there.

Dwayne Bingman said he was with Triad Sheet Metal and Triad Sheet Metal Mechanical. These businesses are behind 300 Lowdermilk Street. They have been there 14 years, and as Mr. Patrick said, along with him they have the most employees. They probably have at least 20 cars coming in and out every day and tractor-trailers delivering. They are all in agreement that they would rather see the Pine Street crossing closed because the only business he knew of on Pine only employs about 4 people, where the two of them employ 40 or 50.

Chair Downs asked Mr. Bingman how many businesses south of the railroad crossing would be affected by this closing and general how many employees would be affected?

Mr. Bingman said there would be 5 businesses affected with approximately 40-50 employees being affected. The only commercial business he knew of on Pine Street was Universal Scientific, Mr. McIntyre, who has about 4-5 employees. He did not know of any other businesses on Pine Street, because it was basically all residential.

Bobby Graham said he received no information about the earlier meeting, and he owns the building at the corner of Lowdermilk and East Market. He has 8 offices in there, with some of them facing Lowdermilk as well as East Market. Those people use Lowdermilk, so he did not want the crossing on Lowdermilk to be closed.

There being no other members of the public to speak to this matter, Chair Downs closed the public hearing.

Chair Downs asked Mr. McKinney if staff did a stacking analysis on these two roads in terms of there are 3200 ADT on the street that is to be closed and 1200 ADT on Pine. He asked if there was a stacking problem on Lowdermilk when the gates go down. Do cars back up onto East Market Street?

Mr. McKinney said he did not have a study to back him up on it, but he uses East Market Street on his daily trip to and from work. When a train comes through, traffic tends to back out onto East Market Street. That would be a traffic safety issue.

Chair Downs said they had discussed the Lowdermilk and Pine Street crossings. As you move east, what is the next street railroad crossing and how far away is that?

Mr. McKinney said the next crossing east of Lowdermilk would be Franklin Boulevard. That is approximately a quarter mile away. That crossing is identified as one of the mid-term projects and it is identified for future grade separation. The initial thought was taking Franklin Boulevard underneath the railroad tracks, underneath East Market Street/Burlington Road, and then come back out with ramps coming back to East Market Street/Burlington Road. Within the study, no other improvements at Pine Street have been identified at this time.

In response to a question from Chair Downs, Mr. McKinney said they had not looked at the alternative of a right-hand turn lane on East Market as part of an alternative analysis for the Lowdermilk to create some type of stacking capacity.

Mr. Marks said he thought it was a value question when you put 40-foot trailers running up and down

residential streets. He was not sure that that would not be more dangerous to children and everything than the potential of the train. So are there any other easier ways for them to get tractor-trailers and major vehicles into Lowdermilk, which would now be a tough corridor to back trucks in?

Mr. McKinney said in the studies there was no real discussion about building any type of parallel roadway in this area to the railroad tracks. The State has identified a future railway to be built that will be a parallel track. There would be an extension of Naco Road eastward to Ward Road and then possibly beyond Ward. But no parallel street facility is being considered here due to the fact that there is a street network that is already in place.

In response to a question from Mr. Marks, Mr. McKinney said public notification of the initial meeting was a newspaper advertisement that ran at least twice. The neighborhood meetings, he was not personally involved in arranging those. It was not like a zoning question where a sign would be placed saying we are thinking about changing this intersection; if you are interested come to a meeting at so and so. There were no individual signs put up and no individual mailings sent out.

Mr. Shumsky said it was his understanding that the maximum freight speed at this time is 59 miles per hour. The maximum allowable passenger train speed would be 79. As you may know, they are in the process of installing railroad signals between Raleigh and Greensboro and that will take the existing freight trains at 49, bump them up to 59, and then take the existing passenger trains at 59 and bump them up to 79 with the ability to communicate with railway wayside signals. There are times when they can go faster; but they are not going 79 miles per hour as they are pulling into a station, accelerating out of a station or going through a railroad curve. They are going much slower.

Mr. Shumsky said the safety improvements from taking this action and closing this crossing would be you would eliminate the potential for train/vehicle collision in an area that sees tractor-trailer traffic, again has a shorter queue distance from East Market Street going across the tracks. You will provide for justification for a traffic signal in an area that is more conducive and has better safety benefits in terms of a stacking distance, in terms of the area residents being able to proceed west on East Market Street.

Mr. Pike said normally when there is a street closing, staff has done a lot of the analytical work that they were being asked to do here today kind of on the fly. He said frankly, even though we have spent some profitable time here, he still thought that this was something staff was probably not used to doing. He said he thought it made sense for the Board to treat this like a street closing and ask them to provide the Board with prerequisite analysis and a recommendation that they would normally expect in these cases.

Thereupon, Mr. Pike moved that this matter be tabled until such time as staff could provide the Board with their analysis of the area of the closing and their recommendation, seconded by Mr. Marks.

Mr. Rhodes said he certainly appreciated those folks who came and voiced their concerns for the residents of Lowdermilk. He said what bothered him most about this is that even residents very active in his community had not been aware of this activity. He talked with some folks over there in the neighborhood. He believed at some point they must start practicing involving persons who are going to be affected by the kind of things that we do in communities. Until we start doing that, we will have some serious problems continue to happen in Greensboro. He said they were looking at a street closing, no matter what they called it, because there would be a barricade placed between East Market Street and the railroad crossing.

Mr. McIntyre said he would like to add a friendly amendment to the motion. He would like for staff also to review the closing of the Pine Street crossing instead of Lowdermilk and give them an analysis on that.

Chair Downs said he would like to offer specific criteria as part of this motion. First of all, he was concerned about the business closure, the traffic safety issues and the truck movement through residential areas.

Some of the thoughts he had were that some sort of executive summary of what that report says would be appropriate for the Board so they could have the benefit of that knowledge. He thought an analysis should be done with respect to Pine Street as an alternative, and they talked about some of those analytic issues, the stacking distances, the ADT going through there and moving truck traffic through the neighborhood should be a part of that analysis. He also thought the analysis should include some discussion of the restructuring the Lowdermilk/East Market Street intersection and if there is an alternative to move those cars off that street, what would that consist of? There may be an opportunity here to continue to use that intersection, provide for public safety and meet the objectives of the neighborhood and of the traveling public. He said he had not really seen that alternative analysis with respect to Lowdermilk today. The business effects he thought was a very germane concern that the neighborhood has expressed and he would like to see some analysis of that. Finally, he would like to see an application of these elemental components to the decision-making criteria this Board would be charged with considering. And if that is public safety, health and welfare, he would like to see some staff application of the factual section of this analysis to that decision-making criteria and at the end of this, a recommendation to the Board.

Mr. Tim Bryson asked if the Board tabled this and came back to it, will they re-advertise this and will it be advertised as a street closing instead of just a crossing closing? Is there a different way that we advertise that?

Mr. Fox said he would certainly like to suggest that they request the staff to attempt to have another public meeting in the area. He said he shared Mr. Rhodes' concerns about people in this area being informed about it. He didn't have any problem with the intent to inform people, he just did not feel in this particular case it turned out to be very effective. He would certainly think that posting some sort of sign at both railroad crossings, Pine Street and Lowdermilk, something to the effect that the City and NCDOT are contemplating changes to this, and if you are interested, come to a certain meeting at a certain date. He thought that would get better public input, certainly since there appears to be some interest in looking at Pine Street as opposed to Lowdermilk. He thought they should include those folks, too.

Chair Downs asked Mr. Pike if he would accept the friendly amendments to his motion. Mr. Pike responded yes. The Board voted 7-0 in favor of the motion. (Ayes: Downs, McIntyre, Bryson, Rhodes, Pike, Marks, Fox. Nays: None.)

D. REQUEST FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE GENERALIZED FUTURE LAND USE MAP IN THE VICINITY OF BATTLEGROUND AVENUE AND OLD BATTLEGROUND ROAD. (RECOMMENDED)

Henry Isaacson, Esq., 101 West Friendly Avenue, introduced Mr. Randal Romie.

Randal Romie, Landscape Architect, 5102 North Oaks Drive, said his intent was to point out a few facts about this proposed development and hopefully to contribute to the conversation about this new situation and about our new Comprehensive Plan. He said they needed to look at everything involved and to question in a positive sense a Comprehensive Plan that suggests residential zoning on a highly traveled commercial road and at an intersection where three of the four corner are existing and recently zoned commercial, and where there is already commercial zoning on this site. He said the site is the gateway to our city on Highway 220 from the north, but it contains such obvious eyesores as a vacant garden center, a burned house, a dead end road and some shops that look lost because of the dead end road and topography, a cell tower, and topography that is unpleasantly lower than the road. Is this a place for residential zoning, in a hole looking up at the traffic on Battleground? The site is also at the end of the noise cone for an airport runway. This proposed development is just big enough to be able to eliminate the exiting undesirable piecemeal development. It allows the site to be graded to a comfortable and level appearance from Battleground. It will preserve 26 acres of land due to watershed requirements, preserve the trees and lowlands, and will preserve 36 percent of the site. The required tree preservation on this

site, according to the City's Tree Preservation Ordinance, would be about 8 to 10 percent maximum, far less than this proposed development would preserve. Part of this site, 30 percent, is already zoned commercial. Approving this modification of the land use map specifically addresses this site, which is just what the Zoning Commission attempted to do, and is well within the terms of the Comprehensive Plan. Let's recommend within the guidelines at this time what is the best thing to do.

Henry Isaacson, Esq., returned to the podium with handouts for the Board. He said he represented Granite Development Corporation of Mount Airy, headed up by Mr. Richard Vaughn, who is here today. Mr. Isaacson asked the Board's careful attention to two documents, the well-known Comprehensive Plan and a copy of the Generalized Future Land Use Map. The Plan consists of some 160 pages of text, and this is one of its 14 maps.

Mr. Isaacson said this matter came before the Planning Board by way of a petition filed by Granite Development Corporation to amend the generalized future land use map. This case, that is the zoning portion, began as a straightforward rezoning case to allow a neighborhood shopping center on a 24-acre tract at Battleground Avenue and Old Battleground Road. They knew early on that staff was dead set against the rezoning, but they didn't hear anything about amending the Comprehensive Plan or its future land use map until two days before the Zoning Commission hearing. On January 8 they received a letter from the City telling them they were in direct conflict with the plan. They certainly did not overlook the Comprehensive Plan. He personally had read the entire text. They felt that there were enough factors in the plan itself to support their rezoning and, even if there were not, that they were exempt under the terms of the plan. They felt that the Comprehensive Plan was supposed to make development easier rather than more difficult. Then came staff's letter in which they were told that this area was supposed to be low-density residential, 3 to 5 units per acre. They asked for a postponement at the Zoning Commission in order to share their views with staff, as well as hear staff's on the subject of the Comprehensive Plan. At the conclusion of their meeting with staff, Mr. Vaughn, president of Granite, asked Mr. Isaacson to take steps to amend the plan and the future land use map to bring it into conformity with what is actually happening on the ground. In the meantime, at the direction of the City Legal staff, they proceeded with the rezoning case, which was heard on February 9th, and the rezoning of this property by the Zoning Commission was approved at that time.

Mr. Isaacson showed the Board a copy of the map staff sent out in the zoning case. That covers 24 acres. Additional acreage, which has to do with watershed critical requirements, is not proposed for rezoning but is proposed to be preserved. He said the map before the Board showed the existing commercial zoning at the intersection, the residentially zoned property, and the General Office Moderate Intensity property. A volunteer fire station, which will be abandoned soon, occupies that GO-M now. He had also enclosed as an insert an aerial map, which he used to explain what was on each of the four corners at the intersection. He then showed and described photographs of the site and surrounding properties.

Mr. Isaacson said a battle cry heard was, "Whatever you do, don't touch the Comprehensive Plan, because if you do, why in the world did we ever enact it in the first place?" Let there be no doubt, when they talk about amending the Comprehensive Plan, they are absolutely correct. A plan that tells us where we should be in 2025 and how to get there should not be taken lightly. He said he believed there was a vast difference between the 160-page text, which is the plan, and the generalized future land use map. On a copy of that map contained in the handout, there is a blue star showing the approximate location of this site. Perhaps the Board members have seen this map before, but he thought it was fair to say that neither the Planning Board nor the Zoning Commission nor the City Council went through this map on a site-by-site basis and approved each color on the map. That task in all likelihood was left to the consultants the City hired and the staff. When the map was finished, the Steering Committee, a group of our fellow citizens, wrote language into the text of the plan dealing with this generalized future land use map. He said he would like to read into the record the language that had been highlighted.

"This Generalized Future Land Use Map should not be interpreted as a zoning map nor is it appropriate for application at a parcel-by-parcel scale. Rather, it depicts broad policies for the future distribution of land uses and activity centers throughout the City to be achieved over a 10 to 20 year period. While significant revisions to zoning regulations will be required to implement these land use policies, future land use categories will often be applied with two or more zoning district designations. Such designations will be made based on detailed site-specific considerations, which are beyond the broad scope and intent of a comprehensive plan."

Mr. Isaacson said as he read it, there is a marked difference between the text of the plan and the generalized future land use map. In addition, there is one entire chapter in the text of the plan that deals with amendments and in that chapter the distinction is made between amending the text and amending the Generalized Future Land Use Map.

"Plan amendments may include modifications to goals, objectives, strategies and actions," but it goes on to say after the semicolon:

"or modifications to the Land Use Map to accommodate rezonings which are contrary to the Comprehensive Plan."

Mr. Isaacson said he thought that was exactly what they had here, a rezoning that is contrary to the plan and its generalized future land use map. He said in his judgment this text was somewhat of a sacred cow. The map should be considered and dealt with differently as an elastic tool to be amended as the City grows and as needed. The language contemplates change and that's the way it is done in some of our sister cities. For example, in Charlotte if you have your rezoning approved, the future land use map is automatically changed without requiring you to come in and ask for or petition for an amendment. Although he understands that our amendment process is still under review, they were directed by staff to be here and his request was to ask this Board to recommend our amendment to Council, that the generalized future land use map be amended to show this corner of the intersection as commercial. They could not find anything in the plan itself to allow a neighborhood shopping center in other than a commercial designation. There are commercial uses on a major portion of this property, as well as on the other three corners. Certainly an Eckerd's Drug Store is commercial; a Sherwin-Williams Paint Store is commercial; a BP Station with a convenience store is commercial; a Waffle House is commercial and Elizabeth's Pizza is commercial. Laddie & Duke's restaurant is commercial, and so it goes at this intersection. Petitioner believes that it is highly unlikely that any attempt will be made in the future to downzone the commercial portion of this property to some low density residential use or any other residential use due to the existing zoning and the commercial uses on the other three corners of the intersection, as well as its close proximity to the noise cone at the airport, and further due to the fact that the intersection is on a highly traveled major thoroughfare, Battleground Avenue. This intersection is the first signalized intersection that is within the city limits on that road.

Mr. Isaacson said originally the staff wanted the map to show this property to be low density residential; that is in their letter. Now, however, they are suggesting that it be changed to mixed use residential. He said they thought about that, but if you read the definition of mixed use residential in the text, their proposed development would not fit. It would be like trying to put a square peg into a round hole and it would not maintain the integrity of the plan or the map. He asked the Board members to ask themselves: would you invest your capital or your savings in homes or apartments at this corner behind a hodge-podge of commercial activity already there, including the cell tower? The simple fact that the staff is suggesting that the map be amended argues strongly that map changes are in order.

Mr. Isaacson said in their petition to amend the map, they addressed head-on four factors that are, among others, supposed to guide you in considering an amendment to the plan. They believe the distinction here may also be that those factors are to guide you in amending the text of the plan; however, they believe that they also fit as a guide to amending the map. In that petition he would like to highlight some items starting on page 3, talking about the reasons and the need for the change. He quoted:

"Because of the poor topography and the hodge-podge of structures, the property is inconsistent with the uses and the appearance of the other three corners of the intersection of Battleground Avenue, Old Battleground Road and Horse Pen Creek Road. If left in their current state, the structures on the property at the corner of the intersection will continue to deteriorate due to a lack of a uniform development on this site."

He said City water and sewer presently serve this property. In order to meet the watershed protection critical area requirements imposed on the property, the developer is contracting to purchase an additional significant amount of land immediately north of the property in order to have that land available as adequate pervious surface and not to be built-upon area. This non-use of the land to the north of this property will eliminate further strip commercial development extending along Battleground Avenue. Then he read from the section about implications on other parts of the plan, and added comments:

"The property is a relatively small tract." Incidentally, Brassfield at New Garden Road and Battleground is almost double the size of this 24-acre site. "Accordingly, amending the Generalized Future Land Use Map will not have a significant impact on the overall plan or its implementation." He then read on: "In addition, this amendment to the Generalized Future Land Use Map will further the economic development goals of the plan. The plan itself encourages reuse and development of previously developed properties and buildings that are no longer economically viable for their intended uses." Here you have abandoned businesses and failed shops. He said he believed that part of the text of the plan applies directly. The plan identified reuse and development as an important strategy for economic development. In still another section of the chapter on economic development, it is noted that, "the City's economic development activities will need to address both areas designated for growth at the city-county fringe and reinvestment in urban areas within the present city limits." This property sits right on the city limits on the northern end of city.

Mr. Isaacson said the investment in this center would be between \$20-25 million if this project is allowed to go forward. Most of that money will be spent here in our local community. Then come the jobs, in excess of 200 jobs. Increased tax base will surely flow from the new construction and other improvements.

Mr. Isaacson said finally, under "New information," which is another bullet point that the plan requires or requests, there have been a couple of recent zonings on the northwest corner. He had mentioned the Sherwin-Williams Paint Store; the City Council approved that several months ago. And more recently, a tract of land next to the proposed Eckerd's, to be used as a parking lot for Eckerd's.

Mr. Bryson said he had one concern. He had seen the work that the developer has done before. It is aesthetically pleasing. The change would impact the area economically and in a positive manner. He asked Mr. Isaacson a question regarding driveway access to this property on the site plan.

City Attorney Miles said she needed to remind the Board and the applicant that the specific zoning request is not before this Board. The Generalized Land Use Plan is a future plan of what you have said that you want this area to be. But the specifics of the zoning itself are not something for the Planning Board to consider.

Mr. Bryson said he understood that, but he thought in making his decision, this will help him understand the overall plan.

City Attorney Miles said if it would help him understand whether or not residential use, mixed use or a commercial area should be there is one thing, but they should not focus on this particular zoning request.

Terry Snow, Senior Traffic Engineer with Wilbur Smith Associates, 7015 Albert Pick Road, answered Mr. Bryson's question about access.

Mr. Marks inquired about what buffering is going to take place if we should approve this as commercial. Can they address that?

City Attorney Miles said that the Board is supposed to look at the general land use pattern, not this particular zoning and whether or not a commercial development of any kind should go into this area, not this specific development and the buffer. You are the Planning Board and your concept is to approve the future land use plan and how any commercial development would go in here, not this specific one.

Mr. Marks asked if this request is before the Board as a plan amendment because it is greater than 10 acres?

City Attorney Miles said less than 10 acres was deemed - and she said she did not mean to put words in the Steering Committee's mouth because she was not a part of that situation or that part of plan development - but it was her understanding you have a generalized land use plan and things that are less than 10 acres may not affect the generalized character or the nature of the area, but if it gets to 10 acres, that's such an effect on the generalized character that they thought it should go to the Planning Board where you look at the whole comprehensive proposed land plan. This is something that you are trying to achieve as a city. This is your vision for the city. And if it's more than 10 acres and you change the character that much, then you are faced with the fact that this would be affecting the vision of where you wanted to go with your zoning and how you wanted to see your city develop.

Mr. Isaacson said he was sure Ms. Miles would not mind if he made one slight correction to that. The plan says "generally less than 10 acres." That, Mr. Marks, was one of the reasons they thought originally they were exempt because if you look at the zoning map, there is a lot of commercial there now, within the 24 acres. That is why they began their zoning process. So the word "generally" is the operative word.

City Attorney Miles said she would explain "generally" as she saw it. She said Mr. Isaacson and she might see it differently. In the ideal world, you would have adopted a zoning ordinance by now that would have interpreted every portion of the Comprehensive Plan and would not have had the word "generally." But this is a 24-acre tract and there's no way that staff could include this as being "generally 10 acres."

Mr. Marks said he did want to mention one thing. When this original plan came forth here and they discussed it, he specifically asked Tom Martin whether we were dealing with a guide or were we dealing with a bible? And he did respond that this was just a guide. None of us had taken the time to look at it parcel to parcel and this is not speaking in favor or against today's issue. But when they looked at the plan and approved it, at least his vote was cast on it as a guide. He said he did think that the 2025 Comprehensive Plan is the right direction. He thought that you need, as a community, to have a guide to work towards and a framework.

City Attorney Miles said it was a guide, but in that guide is the provision that if you are changing the character so much so, which they considered to be around 10 acres or more, then it needs to come back for you to change that guide.

Mr. Isaacson said again that he thought there was a marked difference between the text of a plan and the Generalized Future Land Use Map. He thought that should be a fluid map, it should be elastic; it should be subject to change. He thought changes were contemplated in it. Other communities have done the very same thing, High Point, Cary, and Winston-Salem have a land use map and they don't ask you to amend it; you just go and ask for your zoning to be approved. If we don't allow these changes, if the distinction is not made between the text and the map, then we are frozen and he didn't see how the community could grow. He said our Manager said not long ago that taxes might have to be raised because Greensboro is not growing very fast. That sent a sobering message to him. In any event, he would like to conclude by leaving the Board with the same rhetorical question that he posed to the Zoning Commission, because it is was one of the most important questions to be answered by you as well. How do you want this corner and this intersection to look five years, 10 years, 20 years down the road, this

gateway into our City? Do you want it to look like it does today or as the petitioner proposes, a uniform development with limited curb cuts and important traffic and transportation improvements, new lanes on Battleground Avenue and Old Battleground Road, a development that is respectful of the City's Comprehensive Plan, its environmental regulations and the nearby neighbors and neighborhoods? We have an opportunity here to do something about a piece of property that up until now has been poorly developed. His hope was that they would not allow this opportunity to pass us by.

Mr. Rhodes said he would like to make an observation because he was a strong proponent of Greensboro growth. After having done his homework with respect to this proposal, he was not opposed to this proposal because he thought this was wonderful in terms of the northwest part of Greensboro. He thought the eastern part of Greensboro would love for a development like this to happen, if Mr. Vaughn were to consider that. But he felt somewhat uncomfortable trying to deal with this. He saw some members of the Steering Committee here and he thought they were here out of concern for the work they did. His concern was that they could look at this as something we can send back to City Council, let them revisit or ask the Greensboro 2025 Steering Committee to revisit and possibly consider this amendment as part of their re-visitation so that we don't get bogged down here. He would have some difficulties trying to make the positive decision of whether he was for or against this. He would like to see that this proposal be given back to the City Council and they may want to revisit the Comprehensive Plan Steering Committee and ask them to look at it in depth.

Chair Downs thanked Mr. Rhodes for his comments. He thought the Board would plow ahead and continue on with the presentation. Once we get a full set of facts and information in front of us, we can move forward as the Board on this matter, probably in any number of ways.

Assistant City Manager Morgan said that Cameron Cooke, who was the chair of the Steering Committee for the Comp Plan, was here today and would like to speak. However, he too has to leave early. If the Board would allow that, they would appreciate it.

Cameron Cooke, 100 Wedgedale, said he was a member of the Steering Committee and they acted on a consensus basis, so he was not authorized to say anything about the specific project at this point, unless it comes back to them on a referral. However, he did want to correct one thing that he did hear during Mr. Isaacson's presentation. The Steering Committee did, in fact, consider these maps as an expression of the text. They spent long hours with drafts of these maps in a blown-up format and went over them as a group and their group was a group of developers, environmentalists and so forth. So they did look at all of this. Like any group of human beings, perhaps they did not see every little detail, but their view was the maps were the expression of the plan as they had written and approved it. So he wanted to correct that one little thing.

Chair Downs asked Mr. Cloud to put the Generalized Land Use Map on the monitor. Then he asked staff what was the current generalized land use designation for this acreage as it now exists on the ground?

Heidi Galanti said it was currently designated as Low Residential, which is 3 to 5 dwelling units per acre.

Chair Downs asked Mr. Cooke what was his recall of the committee's analysis of this intersection that led it to a Low Residential density designation?

Mr. Cooke said his recollection was that, looking at it in a broad-brush way, behind that intersection on that corner is residential and open space. Mr. Cooke said that was his recollection. He said he must say that they had robust, energetic and very candid discussions about the realities of land use, the whole process of land use planning, but in a broad sense that is what seemed to fit for that area.

Chair Downs asked Mr. Cooke if the group understood and acknowledged the existing uses that were there?

Mr. Cooke said, yes, they were familiar with their city and they knew that there were uses that were not consistent, but basically - and he didn't want to say too much because he was summarizing a long discussion that occurred sometime ago and he wanted to be very careful - their sense was that obviously those uses would be grandfathered, but the trend in that area was residential. They had designated the New Garden/Battleground intersection as the major activity center in that area. So that was intended to be the basic commercial focus in that area.

Mr. Marks said in the Comprehensive Plan, a little more flexibility of language was given to the gateways into the city. 220 coming in, being such a major entryway into the city, could that not be construed as part of our gateways into the city?

Mr. Cooke said in general his sense of the gateway was that that was more or less intended to designate structures such as announcing you are entering Greensboro. The flexibility in the plan was really intended for infill. They wanted to look at new housing patterns or would encourage those to promote recycling of existing buildings so that they minimize the amount of sprawl that occurs in the area and to be compact and that, of course, is efficient. It is the kind of growth the City can afford because it builds on existing infrastructure. So yes, they wanted flexibility, but the basic focus was to make it easier for infill, because infill issues are sometimes very controversial and very difficult. They wanted to give an impetus to infill.

Mr. Fox said he had a question about the process they went through when approving what is identified here as the Generalized Future Land Use Map. Is this map here the type of map that you looked at when you were making the discussions?

Mr. Cooke said they looked at the map on the board, as he recalled, at that size.

Mr. Fox asked if they looked at the detailed existing zoning of all the sites within the city?

Mr. Cooke said he did not recall that they made a study of it. He thought they may have seen a zoning map at some point and certainly those of us who have done either Board of Adjustment work or Council work or development work were pretty conversant with zoning across the city.

Ms. Galanti added that they did have a composite zoning map for information.

Mr. Fox asked Mr. Cooke what role the existing zoning played in their deliberations.

Mr. Cooke said the zoning map was just a guide to them. Asking if we were projecting uses that are substantially in conflict with zoning would be one check-off to see if our perception of where the City was going or should go was accurate. He said he could recall one area south of Greensboro where there was a proposed residential area and they changed it to commercial because they were advised that there were projects in that area that were coming on line and we needed to adjust it to a mixed use or something like that. He said they had a lot of data coming at them pretty quickly.

Mr. Fox said conceptually he had a problem seeing how this map can be what the folks have referred to as "a bible" in terms of literal use for the area in question today. He would like to hear Mr. Cooke's viewpoint on how in the process of coming up with this map, the members of the Committee felt that they could examine the detail involved to the level that would satisfy most folks for it to be such a literal piece of text.

Mr. Cooke said they certainly could not go back and take away the right to use the land from people who were already in those locations, but in a general sense, with all the residential development in that area, it was thought that that was the appropriate use for the long haul. You have substantial residential development to the northwest and north of the intersection.

Mr. Fox said he guessed his question was more towards the nature of this map and whether it is a living,

breathing document that the Committee perhaps realized going in that there were going to have to be some changes to because it can't be perfect.

Mr. Cooke said that was why they wrote an amendment section to the plan. They knew at some point that, hopefully in a measured way, a couple of times a year or whatever the Council decided to do, there would be opportunities to look at it. Their review process is built into the plan where there is an annual review and a 5-year study of the plan. So it wasn't like they felt that this was forever; things change. But the intent, as he understood it, was that they wanted to buffer changes to the plan so that they took their time about it and made sure it was something they wanted to do.

Mr. Fox asked the City Attorney to elaborate on the concept of plan amendment.

City Attorney Miles said that they would adopt an ordinance that would provide for how you interpret and how situations such as this are handled. We would adopt an ordinance that would say: If a tract is 10 acres or more, then you must... We would adopt an ordinance that would say: This is the procedure you follow when you are attempting to amend the map. This guide says you amend the map twice a year. Council may or may not keep this in the future, depending on whether they think it's a good working tool or not a good working tool. But we would have an ordinance that would say: This is the way you proceed. You must go to Planning Board, then you would go to Council, then you do your rezoning request and that would probably be the way it would proceed. This one is different because it is the first one under the ordinance and it was an effort to accommodate and not hold up the developer too long and at least let him get a decision.

Mr. Fox said so they were in kind of "no man's land" as far as at least process because we hadn't gotten to that point yet?

City Attorney Miles said we don't have the process in place; we have the concept in place; we have the general guide and general regulations in place. She asked Mr. Cooke to please feel free to interrupt her if she got something wrong because he had had much more experience with this than she had. But this plan was adopted as an ordinance, so it is an official document. It's a guide, but it is an official guide that the City Council and this Board have adopted.

Assistant City Manager Morgan said he would like to add onto that description of the Comprehensive Plan as a guide. It is a compass. There are 44 projects that we have to complete in the first year. This is a living document that probably we will be working on for the next 5 years. He thought it was clear it was intended to be amended from time to time. But the Comp Plan is doing exactly what it was intended to right now and that is, in rezoning cases, to pause, to reflect. Is this how we want the community to grow? And what the Planning Board is being asked to do right now, is just pause, reflect and then make a recommendation to the City Council. They will pause and reflect, and the decision will be made, and life goes on.

City Attorney Miles said this was about how we want the city to grow, not about a specific zoning class. To get back to Mr. Rhodes' question, you (the Planning Board) are the official body now who is to make those decisions. The Steering Committee was given the charge to send this to you. You are the official body that makes the recommendation to Council if there are to be any changes.

Chair Downs thanked City Attorney Miles for the direction she was giving the Board on this matter.

Heidi Galanti, Comprehensive Planner for the City, referred to a series of three maps she had passed out for the Board's use. On the Generalized Future Land Use Map, she pointed out the area of the applicant's requested change to commercial. She pointed out the mixed use residential that they have referred to; the yellow is the low density residential on the map. She pointed out the watershed critical area and she also pointed out the activity center to which she would refer later, which is an area for increased density and intensity of uses. The reason this case requires a plan amendment is because of its size. It is 24 acres,

and Section 10.4.2. Plan Amendments states that the adjustment to the Generalized Future Land Use Map is required for areas generally over 10 acres. This map was not intended to be applied on a parcel-by-parcel basis. It is intended to be used as a guide in conjunction with the other goals and policies of the plan in making decisions on rezonings. But the measuring stick that we have to use, which is the plan amendment section, is 10 acres, and that's what brings us to the amendment process.

Ms. Galanti said in the Board members' packets there were the applicant's petition for change from Low Residential to commercial. She was going to briefly go through the staff analysis report; she was not going to go through it point by point, but she would attempt to summarize it. In the report there is background on all the events of how we got to where we are today. There are the definitions of the Generalized Future Land Use Map and the land use classifications that will be referred to. That includes goals and policies of the plan that are applicable to this case. That includes a staff analysis based on the criteria from the plan's Section 10.4.2, the goals and policies of the plan, and the submitted petition. It includes a staff recommendation and a response to the applicant's petition.

On the first criteria, "Need for the change," the Generalized Future Land Use Map envisions the future of this area to consist predominantly of Low Density Residential. This classification supports single-family detached dwellings, townhomes, apartments, condominiums, cluster houses and duplexes. The applicant's request is contrary to that vision. An expansion of the existing commercial development in this area will take this area one step further from the intended future land use. A Commercial designation, would support large concentrations of commercial uses such as recently constructed major shopping centers and big box retail. This intersection does not contain large concentrations of commercial uses and it immediately abuts a Mixed-Use Residential land use classification. The commercial land use designation was intended to accommodate areas such as the Wendover Avenue corridor, stretching from Muirs Chapel Road to Bridford Parkway, NC 68 at I-40 and the I-40-/85/Randleman Road/Elm-Eugene area. This area is located near the edge of the city, where the land should transition down in intensity. A large-scale commercial use at this location does not achieve this desired transition and, in fact, it reverses the transitional pattern that is shown on the Generalized Future Land Use Map. The plan's growth at the fringe goal calls for sustainable patterns of land use and sound stewardship of the environment. This proposal continues the same type of commercial development that currently exists further south on Battleground Avenue. There are currently 25 vacant retail spaces between New Garden Road and Old Battleground Road. This raises the issue of sustainability for this area, since it is already characterized by vacant retail uses. Staff encourages the redevelopment of the existing land that is zoned for commercial, but does not support the expansion of commercial in this area due to the availability of nearby services on Battleground Avenue and the designated activity center at its intersection with New Garden Road. Activity centers are areas of increased density and intensity, of mixed uses with compact development patterns that act as hubs of activity in support of pedestrian and transit linkages. As for the sound stewardship of the environment portion of the growth at the fringe goal, this area lies within the watershed critical area and includes a perennial stream. The plan calls for the protection of the quality of our water supply. If approved, this will be the first large shopping center permitted in the City's watershed critical area. This could set a precedent for additional similar development within the watershed critical area.

Effect of the proposed change: The purpose of the Comprehensive Plan is to gradually move the development of the community towards the adopted community vision. The Generalized Future Land Use Map is a visual geographic display of the goals and policies of the plan, which depicts what the citizens have said they want the community to be in 20 years. The area along Battleground Avenue between the proposed Urban Loop and Old Battleground Avenue has a mix of uses that includes residential, commercial and office, but the mix portrays the old form of segregated development. This segregated development is discouraged in the plan, and new patterns of integrated mixed uses that enhance the quality of life and provide a sustainable pattern of land use are encouraged. The proposed plan amendment for a Commercial land use designation to support the proposed shopping center is a continuation of the traditional form of segregated development that the plan does not envision. The plan encourages more diversified mixed-use centers rather than stand-alone shopping centers. It supports the redevelopment of this area as one cohesive development providing an opportunity for neighborhood

services with a mix of residential. The plan encourages protection against incompatible commercial encroachments into residential neighborhoods. The proposed amendment would affect the character of the area because of its magnitude and scale. It would make for the largest commercial use and zoning district at the intersection, which in turn would put pressure on opposing corners to expand. The request is doubling the size of the commercial on that corner. The scale of the existing commercial development is also in keeping with the nearby neighborhoods in the extended area.

Implications of the change on other parts of the plan: Approval of this amendment will set a precedent for future changes to the map. The intent of the plan is to look at the big picture of what is best for the community and not focus or make changes for only a specific site with one specific zoning district designation. If approved, the amendment would contain only one underlying zoning district and it would become the smallest area of generalized future land use on the map, aside from the existing park land and open space category.

Unforeseen circumstances: Expanding the existing Mixed Use Residential land use classification around the intersection would allow for the redevelopment of the northeast corner by encouraging the integration of mixed neighborhood services and residential uses. This modification to the plan would still maintain the intent of encouraging a mix of uses, protecting the existing neighborhood and maintaining the transition down and intensity of uses as growth towards the city's edge occurs.

Staff recommendation: Staff feels that a change in the land use designation on the Generalized Future Land Use Map is warranted. Staff recommends amending that Figured 4-2 for the area shown from Low Residential to Mixed Use Residential. This designation will allow for the cohesive development of this area with a well-integrated mix of residential and neighborhood-serving commercial in scale with its surroundings. This will maintain and reinforce the intent of the plan and encourage the most appropriate land use for this area.

Mr. Marks asked if the amendment area goes up to Haynie Manor Lane?

Ms. Galanti said she would have to get Mr. Isaacson to answer exactly where that additional land is being acquired because they have not been given the exact boundaries of the additional area that they will need.

Mr. Marks said he would be curious to see where that fits into the map and does that additional land also have to be rezoned to be part of this amendment?

Mr. Morgan explained that that land was in the County.

Mr. Pike said the fact that it was in the County did not relieve the developer from abiding by the watershed rules, so the fact is they are going to buy 20 acres of property and not be able to build anything on it.

Ms. Galanti said that was correct.

Chair Downs asked Ms. Galanti to turn to page 4 of Mr. Isaacson's petition. He said he would like her analysis of Item 3, page 4, 2nd paragraph, beginning with "In addition" that reads: "The plan identifies reuse and redevelopment as an important strategy for economic development." He asked Ms. Galanti what her analysis of that statement (Chapter 7, page 7) meant to the land use decision that we have here today with respect to the proposal to shift this off into a commercial designation versus your mixed use? There were two counter-proposals in this particular policy, and he would like to see some analysis of these.

Ms. Galanti asked if Chair Downs' question was, "What is your response to the economic development argument?" He responded, "Yes."

Ms. Galanti said she actually had covered that on page 8 of her report. They do feel that a redevelopment

of the existing commercially zoned land is appropriate for this area, and that would be further economic development. They encourage the expansion for residential, but not to double the size of the commercial use in this area. Other policies in the plan support the protection of neighborhoods, and the proposed Generalized Future Land Use Map shows a ramping down of intensity in uses as you get to the edge of the city.

Chair Downs said looking at the same section of the petition, the statement, "Areas designated for growth or economic activities: We need to address both areas designated for growth at the city/county fringe and reinvestment in urban areas within the present city limits." He said he did not understand that. How does the city/county fringe play into what we are looking at today?

Ms. Galanti said because they realize that in growing your city, you have to both grow within and reinvest and you also do need to expand your city, as well. And there are appropriate areas and appropriate uses to grow in, and that is what the Generalized Future Land Use Map and the Growth Strategy Map show.

Chair Downs asked if it was Ms. Galanti's analysis that designation of growth at the city/county fringe is primarily keyed towards the tiering concept, or does it also apply to proposing mixed use on the fringe or commercial on the fringe, or all of the above?

Ms. Galanti said you have to take into consideration the policies and the generalized future land use. The generalized future land use shows you what the designated uses should be on those fringe areas.

Mr. Bill Ruska, Zoning Administrator, said that a classic example of where economic development refers to the city/county fringe is in East Greensboro where there is a rather significant area indicated as a Mixed Use-Corporate Park designation for the future.

Ms. Galanti then pointed out the area to which Mr. Ruska had referred, saying it was well within Tier 1. This is growth at the fringe where they are encouraging Mixed Use-Corporate Park to occur.

Mr. Morgan said he would also point out on this map that a lot of the Comp Plan talks about economic development in the corridors that are indicated on this map, which are areas that have a need for redevelopment and economic development. The areas that have deteriorated over time as we have grown out to the fringe, Central City parts have not done as well, and so there is a lot of language in the Comp Plan about those being targeted areas for economic development.

Mr. McIntyre said he had a procedural question. Because the applicant proposed one amendment and City staff introduced a different proposal for change in the map, do they consider those separately or together?

City Attorney Miles said the two should be voted on separately.

Mr. Pike said he did not see that request on the agenda. He did not see a request from anybody for a mixed-use designation on their agenda today.

City Attorney Miles said that was correct. What she would advise was that the Board vote on the Commercial one today. Staff really should bring back theirs in the future. They're telling you what they think it should be when it's changed. She said she stood corrected. Mr. Pike was exactly right. The Board has one request before it and one only and that is what the Board should vote on. She said she did not realize earlier that staff had not made that request to the Board.

Chair Downs asked for speakers from the public.

Mary Lou Zimmerman, 2304 Wilcox Drive, said her intent here was to present as a spokesperson for the Neighborhood Congress. In view of the decision made last week by the Zoning Commission, the

Neighborhood Congress voted to support the Comprehensive Plan. Their concerns are the changes being requested less than a year after this plan was signed off by the City Council. In past years, Greensboro has had no long-range plan for development. Connections 2025 was the first fully developed, long-range plan and it took years of work by volunteers to put together what the residents of Greensboro felt was fair and equitable use of the land. The people who worked on this plan came from a large cross-section of the city and included realtors and developers. To begin now making major amendments to the original plan sends a message to developers that anything you want the City will comply and all the work in putting together Connections 2025 goes down the drain. She personally had sat through too many Council meetings and watched while the neighborhoods battled realtors and developers, only to have the Zoning Commission or Planning Board or City Council vote against those neighborhoods. We cannot continue to throw out what is good and useful in order to appease those who see only the dollars they can reap. As a representative for the Neighborhood Congress, she asked this Planning Board to consider very carefully the implications of this amendment before going ahead with something that can greatly impact how Greensboro will continue to develop and grow. Our future hangs in the balance. Just to reinforce this, she said she was going to read the last two paragraphs of an editorial from yesterday's paper.

"All too often important questions of public policy are decided with little input from the public. The only people who typically bother to show and be heard are those with a financial stake in a project or the neighbors who live close by. Ultimately the City Council will make the final call in this matter, but the Planning Board's recommendation can hold sway. Now is the time for the larger community, which has an equally important stake in this decision, to let the City's leaders know what they want for the future."

Carolyn Allen, 2611 David Caldwell Drive, said she had a good many hours invested in this effort as a member of the Steering Committee. She was really wearing two hats; she was also a member of the League of Women Voters and they have put together a letter with several points in it that Mr. Isaacson calls the battle cry. She said she didn't mind waving a little bit of the battle cry flag. This is the first test of the Comprehensive Plan. Council, in directing the Steering Committee, gave them a difficult assignment. They as a Steering Committee did not think that it was locked in stone. However, she thought there was language in the plan that suggests as amendments arise, they be collected for a time so that you might twice a year look at amendments and not do this every time a zoning issue arises. She said she thought of the future land use map as a little bit like moving into a new home. It may take you awhile before you decide whether it fits and where those places are that you might want to make some adjustments. She thought some of them felt that this was just a little premature in adjusting right now. The size of the development has already been pointed out. She had some data that suggests the sizes of some of the existing developments are not quite as large as Mr. Isaacson indicated. She was prepared to go to the mat with him on that. Development is encroaching further and further north on Battleground into the watershed critical area and it, in fact, has been a leapfrog process all the way out. And she was sure if they went back in history, the same would have been true for High Point Road. As staff pointed out, there are numerous vacant commercial shops on Battleground. She would contend that because the immediate area in question is unattractive now does not mean that subsequent development with Mixed Use Residential would do anything but improve it. It is true that commercial development marks much of the life blood of our economy, but there are so many other places in the city that need new energy, new ideas, new creative enterprise. She thought as we bump into our own water supply that we need to treat that land very kindly.

Jean Davison, 1405 Westridge Road, said she had a great seat during the Comprehensive Plan process because she was in charge of communications. In that role, she attended all the public meetings. And one of the things that Ms. Galanti had alluded to, but she wanted to make the point very clear, was what they heard in the northwest after they got past the airport issue and FedEx was we have got the growth that we need here. We don't want you to grow here. On the contrary, when they were in the eastern part of the community, they heard, "Give us a place to shop. We want development in this area." That is one of the reasons that the push on the map is towards East Greensboro, not just because the conditions are right for it and the space is there, but because the citizens wanted it there. She would love for the developer to look at areas in East Greensboro.

Michael Brandt, 4900 White Horse Drive, said his home was in the White Horse Farms Subdivision very near this development. He said his background is in planning. He knew what the City staff went through and he understood the complicated nature of what this Board and what the Zoning Commission do. What is clear is that this proposal does not fit into the land use plan concept. Yes, there are commercially zoned properties in that area, but the land use plan itself acknowledges the fact that there are areas within residential, that you may have a "neighborhood store." He would submit that a 24-acre site, which is larger than the Wal-Mart on Battleground or the new Costco in acreage, is not a neighborhood center, but it is a tremendous amount of potential retail that would wipe out potentially other businesses in the area. There are already numerous vacant places along Battleground. This is just going to move around where people shop. It is not going to create anything new that we don't already have in that area. He then spoke about particular plan priorities.

Economic development: Promote healthy investment. Repeating of the same thing that we have is not healthy investment, business development, particularly in the overserved areas of Greensboro. We have four or five other grocery stores within 5 minutes, which is plenty close.

Management of growth: To guide and set high standards for sustainable development. Closing shops on Battleground and moving them out further is not sustainable. We have seen that in the Brassfield Shopping Center, in the shopping center across the street from it, at other shopping centers. Even at the new one at Bryan Boulevard and Horse Pen Creek Road, it took forever to get that fully occupied and there are still outparcels on that property, so there is plenty of retail space in the area. We are also supposed to protect community character and resources. This is against the community character in this part of the town. We are supposed to promote sound investment throughout the entire city.

Transportation: To maintain the convenience of the road system and avoid congestion. The intersection after the improvements proposed, whether it is this development or any other commercial development, takes us from a standard level of service of B to a standard level of service of C. That doesn't seem to be avoiding congestion.

The visual character: There was discussion about how lovely this shopping center is going to look. How do we know? There are no design standards in the Development Ordinance to assure that. There are no design standards that are in Connections 2025. So it's purely up to the developer to decide what these standards are so we have to take it on faith. Why does the community have to take something on faith when we could have ordinances that detail the type of community character that was supposed to be preserved. There is nothing that prevents this developer or any other developer on this tract of land from putting up whatever they want once it is zoned and changed land use.

Compact development pattern: There is nothing compact about this. It is 24-acres, over 140,000 potential retail square feet. It is not compact in any way.

Growth management: This is our watershed critical area. Is it wise to put this there? Is it balanced? We have development in the northwest part of the city. Where is the development elsewhere in the city to balance this type? And is it equitable?

The Generalized Future Land Use Map, as it has been pointed out, is not a zoning map. That was read into the record by Mr. Isaacson from page 4-7 of the Plan. However, he left off the next paragraph.

"When compared to the Existing Land Use Map, it is evident that the planned future land uses reflect patterns that are already well established and throughout much of Greensboro. However, the policies and strategies identified below are designed to accommodate growth and change in new creative ways by promoting greater flexibility within zoning districts, encouraging compact mixed uses, providing incentives for urban area development, and by raising standards for quality and protection of natural resources."

This area has already been indicated as Low Residential, 3 to 5 dwelling units per gross acre. There seems to be a thought that that means there would be no other type of development in this area. That's not true. First, there's area already zoned, about 8 acres, that could be redeveloped. And second, the Plan, on page 4-10, states that all three residential categories may support small, supportive uses such as grade schools, churches, neighborhood-serving commercial areas that are not always depicted on the Generalized Future Land Use Map.

Mr. Brandt submitted that the Committee that established this map looked at this area. They realized it was in the watershed critical area, that there were three corners developed, that this corner had some commercial development on it. And they said, "That's enough. We don't need any more up there because we're trying to protect our watershed critical area and we're trying to protect the residential nature of that community." If someone wanted to redevelop the stores that are already there, they certainly could do that. The one strip center that is part of this development was built just two years and, so we are already considering that under a redevelopment strategy? He submitted that he was not convinced that the staff recommendation is any better than the recommendation put forward by the developer, but that discussion is for a different day apparently.

Now on to the implementation: In Chapter 10 is a protocol for the application of and compliance with the Comprehensive Plan with respect to development review and proposals, particularly regarding rezonings. Today's hearing really should have taken place before the rezoning hearing. We are out of order, in his opinion. How can you hear a rezoning case when you don't even know if the land use plan supports it?

Now the basic principles for Comprehensive Plan implementation: Zoning regulations that are made in accordance with the Comprehensive Plan designed to lessen congestion, to secure safety from fire, panic and other dangers, to promote health and general welfare, to prevent the overcrowding of land, etc. The regulations shall be made with a reasonable consideration, among other things, as the character of the district and peculiar suitability of particular uses, but also encouraging the most appropriate use of land throughout such city. We have a set of standards already established in the North Carolina General Statutes. It requires you, if you have a comprehensive plan, to then follow that comprehensive plan in your process. Development shall be designed to maintain consistency with the comprehensive plan. Development applications shall be reviewed for consistency with the comprehensive plan and shall not be approved if found to be contrary to it unless the plan is amended.

Mr. Brandt noted that Mr. Isaacson had pointed out that this was near the airport area and the 60 DNL. There are plenty of residential developments occurring now that are within or near that DNL that are high dollar units.

As far as the closure of the nursery, it closed because this plan came forward. Somebody wanted to buy it from them. The fire station is closed because it no longer was needed. It was a volunteer fire station and the City has annexed all around it. Where the old house burned, eventually it will be cleaned up, one way or the other, by this development or something else that would reuse that site.

The Plan documents are living; they have a right to be changed, but this needs to be gone about in a process that is consistent and the one that actually makes some logical sense. There is a reason why this site was not included as part of the commercial corridor of Battleground. Please stand by that and realize that there is still potential for development that is reasonable at that site.

There being no other speakers, the Chair closed the public hearing.

Mr. Fox said he would like to say that out of controversy generally some good arises and the good that arose in this case with him personally was it caused him to go back and re-read the Comprehensive Plan in many areas. It confirmed his initial impression about what a good plan it was and what a good document that it will be for Greensboro going forward. He said he wanted to take this opportunity to publicly thank the staff and all the volunteers who worked on that plan. He knew it was not an easy task

and it took a lot of time. It reflects that work and that quality. But with that being said, he thought it was a guide, and as with anything, the devil is in the details. You cannot in any document that general address the specific issue or answer for every question that will come up. The Comp Plan is great, but it is not going to be perfect for every piece of property or every area. He thought certainly the people who were on the committee anticipated this having an amendment process, and he thought there was probably some healthy debate on how that process ought to take place and how often, and he was sure that was something they would be getting a recommendation from the staff on.

Nonetheless, we have this case here today to decide. His opinion in this case is that this is one of those areas where the plan needs to be changed. You've got three corners on an intersection that are clearly commercial and you've got the fourth corner, which we're talking about, that is already commercial. The question is how much commercial are you going to have on that fourth corner. What he saw here was an opportunity for a project that is a positive for our City. He thought Mr. Isaacson said it was some 200 jobs, which he thought was interesting when he sees our City Council and County Commissioners discussing incentives for projects that are far less than that. Here nobody is asking for incentives to create a project that gives 200 jobs; they are just looking for permission to do it. He thought that it would be short-sighted of our City government, and he included this Board in that, as a whole to not look very seriously at a project that has that kind of economic impact on our community. Other than the general comment that it is in the watershed, he had not heard any specific issues about harm to the environment. He wanted to hear how the environment is going to be harmed and how it is going to be protected. From what he had heard in this case, it appears that there have been very careful measures taken to protect the integrity of the watershed. He had no doubt that various levels of governmental authority will quickly step in if there is any danger to the watershed. In summation, he thought we have to look at the Comprehensive Plan as a living document. He did not think that they needed to be changing it willy-nilly every time somebody comes in with a request. But when they come in with a request that makes sense based on the circumstances of the request and the location, he thought they needed to give serious consideration to this, and particularly in light of the job losses faced by this community in the last 10 years. We have seen the titans of our economic community, the textile mills, literally go under in the last 10 years, and those are thousands of jobs. And while we have had some good success with other companies coming in, the mainstream of our economy continues to be mid-size and small businesses and that is exactly what you are talking about bringing in here. That doesn't mean that we cannot have standards here in Greensboro; we should have standards and we should have high standards. But we should consider each project as it comes in and look at whether or not it's going to be a project that will make Greensboro a better place. He thought that this project is such and he was going to support it.

City Attorney Miles said she assumed Mr. Fox meant the designation of this area in the Plan as Commercial and not this project, because, remember, you are not the Zoning Commission.

Mr. Fox thanked City Attorney Miles for keeping him on the right track. It does get a little bit confusing as far as our process. He said he supported the applicant's request to amend the Generalized Land Use Map of the Comprehensive Plan.

Chair Downs said he wanted to take note of Mr. Cooke's background in Connections 2025 and out of consensus, the Steering Committee and folks who developed 2025 thought that Low Residential, 3-5 DU per acre, was best for the long haul. He said those were Mr. Cooke's words. And the rationale for that was set out. That leads him to the next part of his analysis and that was where we're going to take this thing in the future. He referred to the activity center further south on Battleground on the map. In terms of his understanding of coherent land use planning and the idea of creating integrated uses and an integrated core here, and having something less intense as you move away from the core, Residential makes more sense, in his view in terms of the long range planning proposal, than putting a commercial node at the end, at Old Battleground and Battleground. That said, he said he wanted to back up and look at what Mr. Cooke said. They originally said that this ought to be low density, 3 to 5 DU per acre. Today's proposal would leapfrog over from 3 to 5, 6 to 8, all the residential stuff, we're going to blow by all that and by all the multifamily, we are going to go straight to Commercial, which from a planning perspective makes

no sense to him at all. One policy in the Comprehensive Plan he thought was the most germane policy, because it is sort of dead-on in what is being proposed to us today, says: "While some new commercial centers are anticipated, in general, new retail and commercial services uses will be encouraged within more diversified mixed use centers rather than as stand-alone shopping centers or expanded highway commercial strips." This project, ladies and gentlemen, is the continuation of the Battleground commercial strip. When he came to this town, one of the things he saw that just struck him as the wrong thing that Greensboro had done was Battleground. It is a mess. He thought this was a continuation of that mess. With all due respect, he would not be supporting this proposed generalized map amendment.

Mr. Bryson said he would like to say he was not against the economic development of Greensboro by any means. This project could potentially be advantageous. However, he did not think it was advantageous to this area. You have had a cross section of people who have expressed concern. He also thought that it is, as noted, premature to start amending what a lot of people spent a lot of time setting forth. So with that, he too could not support this.

Mr. Pike said he had a couple of comments and then a motion. First of all, he thought all of them have spent a lot of time looking at the Comprehensive Plan, as have a lot of other people. As was said earlier, the devil is in the details. The reality is that as much as they like this plan, and it does point them in the right direction, at some point in time somebody has to make a decision when they get to this place. And the question becomes, is it premature? It is only premature if there's not an opportunity that presents itself to make a change. That's what a plan is. When something like this comes up, that's when they begin to say, "How easy is it to change it and what is the process?" And the reality is they don't really have a process, or at least a really good process, in place. But they have the opportunity and the responsibility at this point to make an interpretation of that plan. The question is, "Can it be changed?" And the answer is, "Yes." He thought City staff had already shown them today that they are prepared to move this from single-family low density up to mixed use pretty easily. He thought the reality was that it is a living document, this is simply evidence of it. He thought the process they will go through today and the decisions they make will just be one step in the development of an infrastructure following this plan long-term. He thought that the request, in his mind, he had to frame it in terms of what is already here? He thought the folks who designed this plan knew that as well. We are talking about four corners, three that are already commercial; and they are talking about extending the property to allow a complete development there rather than nothing. He said he rejected the idea that just because they want this thing to be developed as mixed use or single-family residential, that it will, in fact, happen. What they have here is a commercial piece of real estate. He thought all that these folks were doing was asking for extension of zoning, etc., that was already in place. He did not think that was to abrogate the intent of this plan at all. He didn't see it as a major change; he didn't see this as a watershed event. He thought for folks to stand around and say for us to make this decision is to repudiate the Plan is absolutely not right. It is consistent; it is consistent with what is already there. It only creates a precedent of us showing that we can use our heads and see what is already there. It doesn't hurt the neighborhoods, it doesn't create more traffic. It does create more jobs and it gives 20+ more acres of watershed that cannot be developed on up Battleground. The Board have used the process; it isn't perfect, but there has been a lot of input into it and in the end, they make a decision and make a recommendation to City Council, which they have then the opportunity to agree with or not agree with.

Thereupon, Mr. Pike moved the recommendation to City Council of the request for amendment of the Comprehensive Plan, seconded by Mr. Fox.

Mr. McIntyre said he did recognize that this map and the plan will change and there are good opportunities for that. He thought the last speaker made some excellent comments about intelligent amendments and going forward and giving time to process thoughts. In this case there were a couple of things he would like for all of them to think about. One is that we talk about the economic impact of 200 jobs. We have to weigh that against all the things that the City put into this plan. And the key point in this plan is, "Let's focus our energy on economic development in the heart of our city. Let's avoid leapfrog development.

Let's try and make the downtown better, let's make our neighborhoods better." And if we keep pushing out, we're kind of missing the whole point of this plan. So he knew it was a really hard decision and people have a lot of passion about it, but when you think of economy, if we can just focus ourselves more into the city, he thought they would be better off in the long run. The other item is the commercial aspect of the existing properties. And it is really a question of scale. We know we have gas stations and our pharmacies in the corner, but this is a big project. He said he thought there could be commercial sites there on the corners, but also nearby residential. Look at pictures in the plan of mixed use or go to Charlotte and see really exciting neighborhoods with a lot of young people living where they can just walk to the nearest store. It is neat. It's not just a continuation of the way we have seen things in the past 40-50 years. He said the last thing he wanted to mention was the whole idea of a gateway. When he moved to Greensboro, he had the same inclination as Mr. Downs. Certain areas you drive into, it's just like blah. It's just retail, strip malls everywhere. He liked the idea, as the plan stipulates, of easing into the city and getting a feel for it and not just driving right into a strip mall. So he was going to vote against the petition.

Chair Downs said he acknowledged that this was a dynamic plan and it was meant to be and he welcomed the application that was here today. The process that allows this plan to be dynamically changed; we are in the midst of it, we are in the soup. He did not see the movement of commercial to be a repudiation of the plan. He did not think that was it. He thought that a more cogent and coherent planning proposal for this corner is mixed use. He thought if they looked at the spectrum of uses that will occur around the city, mixed use there makes more sense. He shared the thought that if this is a gateway, and it indeed is, he would prefer to come into a gateway that has the sophisticated look and feel of mixed-use development. From his view of the world, he thought that was a more attractive model. It's not the only model, but he thought it was a more attractive model. He would like to bring to the Board's attention that they had a project here that came before this Board and he thought it was on North Elm Street that was a mixed use project, an excellent project, a very attractive project and there are models out there. If we do not approve this, assuredly those shops will remain empty and the fire station will remain empty, but what we are doing here today, this is 50-80 year stuff. That is the magnitude of this decision. It is the long haul.

Mr. Rhodes said one of the things that is most important to him is the development of the City of Greensboro. However, as was mentioned earlier, Battleground is a mess. It is definitely that. West Wendover West is a mess, and has become a bigger mess. He suggested that the area before the Board today is an issue that we should have some people revisit. We can ask the City Council to ask the body that prepared this document to reconvene again.

Mr. Fox said he would like to add one other thing. He certainly agreed with the Chairman that this is a large decision in terms of the Comprehensive Plan as a goal and we need to try to look at that plan as how it affects our community, our City, our neighborhoods, our economic development. However, he still remained convinced that the plan itself is not perfection and needs to be tweaked in particular areas. The thing that he wrestled with, and that he thought had impacted his decision, was it is absolutely essential to have goals and to know where you want to be headed, but you also have to consider reality. And he feels this will be a project that will be well done. And if we turn this away, what's likely to happen at that corner? Will someone with the capital come in and do high-end condos and small neighborhood stores? Maybe. He did not see that happening. But they have to deal with reality and to him, the most likely result if this is not approved is that that corner continues to be an eyesore. Those shops are deserted because it's hard to get access to them and there's no other reason to go in there unless you go to those shops specifically. You don't create an environment where people want to pull up.

Mr. Bryson said he would like to say one more thing. He said he was all for development. His personal business has to do with development. But when he brings people from other places where he has lived to Greensboro, their reaction is, "Gosh, there is a lot of stuff here for lease." There are empty spaces sitting everywhere. And at some point, somebody has to address it, somebody has to look at it and say, we are all for development and we are all for people spending their money here in our community, but at what point do we say "enough is enough"? When he brings people here to promote economic growth, it's a real negative seeing nothing but lease signs everywhere you go. And by creating all of these shopping

centers that are sitting empty all over town, that has given a negative effect, in his opinion, to people who would potentially relocate their businesses here.

Mr. Rhodes repeated that he was strongly in favor of development in Greensboro. And he would hope that someday that some developer would come to Greensboro and be pre-informed that there is an eastern part of the city. They need to do some development in the eastern part of Greensboro. But if this is going to help the development of the city, and there are some jobs for folks who he knew needed jobs, then he would support the project.

Mr. Marks said they had really hashed through this thing quite well, but he did think that they needed to keep a couple of things at issue. One is that he thought everyone on this Board and on other boards very much support the Comprehensive Plan. But he still looks at it as a guide, and he thought there needs to be an easier way to work through these projects. He thought a very good point was made, "Is this even in the right order?" He thought that it ought to come before the Planning Board before it goes to the Zoning Commission because he thought they needed to tie together what your conceptual thoughts are for the area before you then back up to decide specifics. Mixed use, he would love to see it out there; it would be great. But he had to back to the point over here about reality. Mixed use seems to work very well the closer you get into the city, because it is a combination of the apartments that are either above the structures, it's the adjacency of the apartments so that people can walk and get comfortably back and forth. It is partially designed to help minimize transportation needs and address other issues. He really did not think that out here on this corner, which is commercial, mixed use is going to happen, or at least not any time in the near future. You have a developer who is also going to have to spend money to improve the road system out there, which saves the City from doing that. And that road system out there at that intersection needs help. It needs more turning lanes, there needs to be better access to it. He was going to be voting in favor of the motion. The area that we are dealing with, Horse Pen Creek, has exploded. That is where the residential development is happening, whether we like it or not. And this will be a center that's going to support the continued growth. He would certainly agree with Mr. Rhodes' comment that it would be great for us to get these kinds of centers towards the eastern part of the city, but you have to go with what the developer puts on the table.

Chair Downs called for a vote on the motion on the floor. The Board voted 4-3 in favor of the motion. (Ayes: Fox, Pike, Marks, Rhodes. Nays: Downs, McIntyre, Bryson.)

Chair Downs thanked the Board members for their discussion and patience on this. He also thanked staff for their participation.

Assistant City Manager Morgan said he also wanted to thank the Planning Board for the discussion. He thought it was very good and very healthy for the community. He did want to say that the staff recommendation for the process is for these items to come to the Planning Board first and then go to the Zoning Commission. In order to accommodate the application in this situation, they agreed to this process that doesn't quite fit the mold. That was the reason for it looking like it was backwards.

Mr. Fox said they appreciated that and he thought the staff had a good reputation for trying to work with all parties. He understood that is why they had done that. He said the City has very good public bodies in this City, both the Zoning Commission and this Board, as well as the City Council, and he knew they had excellent staff work. He didn't think it adds to the quality of the decision to hear the same thing twice. If there are other options in other cities that are streamlined, he would encourage staff to look at those.

B. RESOLUTION CLOSING BLUFORD STREET, FROM LAUREL STREET EASTWARD TO OBEMEYER STREET, A DISTANCE OF APPROXIMATELY 315 FEET. (RECOMMEDED)

Mr. Cloud said this street right-of-way was dedicated in 1905 in the Garland Daniel Lutherville Property Subdivision. This street is paved and is City-maintained. This is another in a series of street closings in

conjunction with North Carolina A&T's campus expansion. The street has an 8-inch sewer line and a 6-inch water line in it. 20-foot easements will be retained over these lines until no longer needed for public service. A site plan is currently under review by City staff for North Carolina A & T State University in this vicinity. Owners of 100% of the abutting property frontage have signed this petition. No property is dependent upon this street right-of-way for access, and it is not needed for general circulation in the area. The TRC feels that the City can make the two required determinations for a street closing here: (1) that the closing is not contrary to the public interest and (2) that no property owner in the vicinity is deprived of reasonable means of ingress and egress. Therefore, the TRC recommends this street closing.

Chair Downs asked if there was anyone present who wished to speak to this request.

Bill Barlow, Director of Design and Construction at A&T State University, said he just had a brief PowerPoint presentation. Previously in 1999 and 2000, A&T updated the Board on its Master Plan. In the Master Plan, a North Campus and South Campus were shown. In the Master Plan they created a pedestrian-friendly campus, where they had a Bell Tower in the southern end and the Science Building on the northern end. Since 2000, they have acquired some 60+ properties, which are shown in light green on the map. They have also come to this Board for some street closures previously. Mr. Barlow showed the Board what had been constructed in the areas of previous closures. Today they are coming to the Board for a street closure on Bluford Street between Laurel and Obermeyer Streets. Their plan there is to create a Bell-Clock Tower here in the center of their campus and further extend and continue their Master Plan for a pedestrian-friendly campus. The Bell Tower is under schematic design, and he showed how the Bell Tower would look with the residence halls in the background.

Mr. Rhodes moved to recommend the street closing to City Council, seconded by Mr. Marks. The Board voted 7-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Bryson, Pike, Marks, Fox. Nays: None.)

C. RESOLUTION CLOSING AN UNNAMED STREET, AS RECORDED IN PLAT BOOK 11, PAGE 3, RUNNING FROM HIGHWAY 68 SOUTHWESTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 700 FEET. (RECOMMENDED)

Mr. Cloud said this street right-of-way was dedicated in 1926 in the Ham Real Estate Co. Subdivision. It is not open or improved ("paper street"), and it has no utility lines in it. A subdivision (Millwood School Road Subdivision) has been recorded in the area where this paper street is located, but our ordinance prohibits development within dedicated right-of-way. If this closing is granted, the owner will then be able to utilize the area in question. Owners of 100% of the abutting property frontage have signed this petition. No property is dependent upon this street right-of-way for access, and it is not needed for general circulation in the area. The TRC feels it is quite easy here to make the two required determinations for a street closing. Therefore, the TRC recommends this street closing.

Chair Downs asked if there was anyone here who wished to speak to this item, and no one came forward.

Mr. Bryson moved to recommend this street closing to City Council, seconded by Mr. Rhodes. The Board voted 7-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Bryson, Pike, Marks, Fox. Nays: None.)

ANNEXATION PETITIONS:

A. PROPERTIES OF JOHN E. TEAGUE, O. B. TEAGUE FAMILY TRUST, JOHN R. TEAGUE, TOMMY L. TEAGUE, AND BRANTLEY TEAGUE SOUTH OF PERTH PLACE – 47.65-ACRE SATELLITE ANNEXATION. (RECOMMENDED)

Mr. MacIntosh said this property is located on the south side of Perth Place, which runs immediately south of Interstate 40/85 west of Young's Mill Road. It lies 1 mile southeast of the primary city limits as the crow

flies and 1¼ miles driving distance. It is vacant except for a series of billboards. The property is in the Tier 1 growth area shown in Connections 2025, the Greensboro Comprehensive Plan. Close to this property and farther out the City has received a large number of utility agreement and annexation petitions, including the relatively new subdivisions Lochwood, Gramercy Park, Candace Ridge, Glen Laurel, and almost all of Trinity Lake, as well as over 50 individual house lots in the older developments nearby – several hundred houses all told. Most but not all of the properties covered by these utility agreement and annexation petitions were shown as double cross-hatched on the area map before the Board. Several times in the past when a regular annexation petition has come in lying near a series of subdivisions covered by utility agreement and annexation petitions, staff has recommended proceeding with all the annexations together. If the same were done with all these annexations, they would become effective June 30, the same date as 12 city-initiated annexations are projected to become effective. For City departments expanding services, it would be far preferable to have these Young's Mill Road annexations follow a somewhat later schedule, perhaps coming to this Board in mid-summer. The Perth Place annexation by itself, however, would not cause any timing problems with service provision. It is proposed to become a single-family subdivision, and it would be late in 2004, if not early in 2005, when the first houses would be ready for occupancy. An 8-inch city water line in Perth Place just east of this property can be extended to serve it. There is an 8-inch sewer line in Lochwood subdivision southeast of this property, and this property drains toward it. Extension of these lines to this property would be the developer's responsibility. The provision of other City services to this property poses extra travel time for City services delivered by vehicle, although no more so than some previous satellites. Fire response times would be in excess of standard response times from existing City stations, but the response time from the closest rural fire department, with which the City would contract, would be within the standard time. TRC recommends this annexation if the Board would be inclined to also annex the subdivisions nearby covered by utility agreement and annexation petitions at a later time.

In response to a question from Chair Downs, Mr. MacIntosh said all the double cross-hatched areas have City water and/or sewer. The vast majority, including all the new subdivisions, have both. This is all Tier 1 property in the Comprehensive Plan.

In response to a question from Mr. McIntyre, Mr. MacIntosh said the double cross-hatched properties have utility agreement and annexation petitions that are signed by the developers or individual homeowners, because it is a requirement if you want to get City water and/or sewer. The City takes those and generally keeps them as a group until an appropriate time. An appropriate time could result from the conglomeration of quite a bit of petitioning properties or from a precipitating event like a regular annexation petition on property nearby. On a regular annexation petition, the City is to give the property owner a year or a day relatively quickly, in contrast to the utility agreements and annexation petitions that may sit for a while.

Mr. Marks moved to recommend the annexation petition to City Council, seconded by Mr. Bryson. The Board voted 7-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Bryson, Pike, Marks, Fox. Nays: None.)

B. PROPERTY OF PIERCE HOMES OF CAROLINA, INC. SOUTHEAST OF GUILFORD COLLEGE ROAD AT MCCLELLAN PLACE – 4.01-ACRE CONTIGUOUS ANNEXATION. (FAVORABLE RECOMMENDED)

Mr. MacIntosh stated that this property adjoins the city limits on its northwest and north sides. It lies across Guilford College Road from Charlestowne Crossing Condominium. There is one dwelling on the property, but it would be removed with development of the property. The property is in the Tier 1 growth area shown in Connections 2025. There are 12-inch City water lines in Guilford College Road and Sapp Road alongside the property. There is an 8-inch sewer line across Guilford College Road, toward which this property drains. Travel times for provision of other City services would be comparable to those to the already-annexed property across the street. The TRC recommends the annexation.

Mr. Bryson moved to recommend the annexation petition to City Council, seconded by Mr. Rhodes. The Board voted 7-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Bryson, Pike, Marks, Fox. Nays: None.)

Mr. MacIntosh said if it was the Board's pleasure, the 12 City-initiated annexations could be continued until the next meeting. The Council will have a public hearing on these 12 City-initiated annexations on April 5, and there will be a public informational meeting down at the Galyon Depot on March 22nd. If the Board makes recommendations next month, it would still be in time for Council to factor them into their deliberations.

Mr. Fox moved that Items A through L under City-Initiated Annexations be continued until the next meeting of this Board, seconded by Mr. Bryson. The Board voted 7-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Bryson, Pike, Marks, Fox. Nays: None.)

EASEMENT RELEASES:

- A. RESOLUTION AUTHORIZING RELEASE OF 5 FEET OF A 20-FOOT UTILITY EASEMENT ON SOUTHWEST SIDE OF THE PROPERTY AT 2 ELM RIDGE LANE. (APPROVED)**
- B. RESOLUTION AUTHORIZING RELEASE OF 20-FOOT SANITARY SEWER EASEMENT EASTWARD FROM THE END OF DOBSON STREET THEN NORTHWEST TO ANOTHER SANITARY SEWER EASEMENT, THIS RELEASE TO BECOME EFFECTIVE WHEN A REPLACEMENT SEWER LINE HAS BEEN INSTALLED, INSPECTED AND APPROVED, AND COVERED BY PLATTED STREET RIGHT-OF-WAY AND/OR EASEMENT. (APPROVED)**

Mr. Cloud said all the relevant utility companies and City of Greensboro departments have agreed to release both these easements.

Mr. Bryson moved that the Board approve Item A under Easement Releases, seconded by Mr. Marks. The Board voted 7-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Bryson, Pike, Marks, Fox. Nays: None.)

Mr. McIntyre moved that the Board approve Item B under Easement Releases, seconded by Mr. Rhodes. The Board voted 7-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Bryson, Pike, Marks, Fox. Nays: None.)

ITEMS FROM THE DEPARTMENT:

None.

ITEM FROM THE CHAIRMAN:

None.

ITEMS FROM BOARD MEMBERS:

None.

SPEAKERS FROM THE FLOOR ON ITEMS UNDER PLANNING BOARD AUTHORITY:

None.

APPROVAL OF ABSENCES:

Mr. Fox moved approval of the absences of Mr. Hall and Mr. Koonce, seconded by Mr. Bryson. The Board voted 7-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Bryson, Pike, Marks, Fox. Nays: None.)

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There being no further business before the Board, the meeting was adjourned at 6:27 p.m.

Respectfully submitted,

Robert Morgan
Acting Planning Director

RM/jd.ps